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Dr. Rewa Kumar

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
San Francisco Division

DR. REWA KUMAR, an individual,

Plaintiff,

v.

DOE 1, an unknown individual, and DOES 2
through 10,

Defendants.

Case Number: 3:14-cv-04573

**DECLARATION OF DR. REWA
KUMAR IN SUPPORT OF
PLAINTIFF'S *EX PARTE* MOTION
FOR TRO/OSC**

I, Dr. Rewa Kumar, declare:

1. I am the Plaintiff in the above-captioned action. I have personal knowledge of the matters set forth herein and if called as a witness could and would competently testify thereto. As to those matters stated on information and belief, I believe them to be true.

2. I am a specialist in Vastu Shastra, the traditional Indian doctrine of architecture and design of Vedic origin. I have a Ph.D. degree in Vastu Shastra and over 25 years of experience, and I own and operate a business providing Vastu Shastra consultations to individuals and businesses. I am widely regarded as a foremost authority on the topic, and I

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1 have been honored and recognized for my outstanding contributions by the California State
2 Senate, the California Legislature Assembly, the U.S. House of Representatives, and the City of
3 San Jose, California. I have also been invited to meet President Obama for my important
4 contributions to the celebration of cultural values.

5 3. Before the public posting of the online videos discussed in the Complaint, I
6 enjoyed an excellent reputation among my friends and colleagues as an ethical, trustworthy and
7 competent person and professional, and had never experienced any attacks on my character or
8 ridicule from my peers.

9 4. In July, 2013 and May, 2014, I commissioned AAA Media and Marketing to
10 create certain photographs and video footage of me, for use in promoting and marketing my
11 Vastu Shastra business. These materials included two video clips as well as a headshot
12 photograph of me (referred to as the "Materials"). AAA Media and Marketing has assigned all
13 rights, title and interest in and to the Materials to me, orally and by way of a Copyright
14 Assignment Agreement, and a true and correct copy of that agreement is attached hereto as
15 Exhibit A.

16 5. I, through my attorneys, have submitted applications to the U.S. Copyright
17 Office to formally register my copyrights in the Materials. I am the sole owner of the Materials,
18 including of the copyrights therein.

19 6. I have made repeated use of the Materials in connection with advertising and
20 promoting my Vastu Shastra business. For instance, the video clips have been broadcast on TV
21 channels including Star Plus TV and Zee TV, and the headshot photograph has been used on
22 public websites and social media such as Facebook.com, LinkedIn.com, Google+, Twitter.com,
23 Pinterest.com, Digg.com, Pinterest.com, and Tumbler.com, and others.

24 7. Beginning in or around August 2014, I discovered that videos about me had been
25 posted on public websites, including YouTube.com ("YouTube"), Vimeo.com ("Vimeo"), and
26 DiggVideo.com ("DiggVideo"). These videos (collectively, the "Offending Videos") contain
slandorous statements about me and viciously attack my character. For instance, the Offending
Videos falsely represent that I have committed multiple crimes, both in India and in the United

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States; that I have defrauded and cheated my business clients and others; and that I have been unchaste and have caused the divorce of third parties. These statements are not true. According to information that has been made publicly available on YouTube, Vimeo and DiggVideo, the Offending Videos were posted by anonymous users of those websites, under aliases including “Truth Walla” (on YouTube), “Truth Leaks” (on Vimeo), “Rehmat Ali” (on YouTube) and “Admin” (on DiggVideo). The Offending Videos were posted at the following hyperlinks:

<https://www.youtube.com/watch?v=xmLjrwBsgGw> (the “Truth Walla Video”);
<http://vimeo.com/105926622>, (the “Truth Leaks Video”); www.diggvideo.com/former-indian-beauty-queen-looks-to-con-barack-obama_52a96f38a.html (the “Admin Video”);
<https://www.youtube.com/watch?v=3djISeA1gbk> (the “Rehmat Ali Video”).

8. The Truth Walla Video, Truth Leaks Video, and Admin Video each make use of my copyrighted Materials, without my authorization or a valid license. Each of these videos make use of portions of the video clips that I have consistently used to advertise my Vastu Shastra business. The Truth Walla Video and Truth Leaks Video play my copyrighted video clips in the background, without any alteration or addition to their content whatsoever, while the Admin Video displays static shots taken directly from my video clips, without alteration. Moreover, the Truth Walla Video, Truth Leaks Video, and Admin Video make use of the entirety of the headshot photograph that I have posted on various public websites in an effort to promote my services. A true and correct copy of a screenshot of the Truth Walla Video is attached hereto as Exhibit B. A true and correct copy of a screenshot of the Truth Leaks Video is attached hereto as Exhibit C. A true and correct copy of a screenshot of the Admin Video is attached hereto as Exhibit D.

9. On or around October 2, 2014, I discovered that the Rehmat Ali Video had been posted on YouTube. The Rehmat Ali Video consists of a video presentation of several written documents, the first of which states “The information contained in this video is completely public information. There is no copyright on this information and it cannot be claimed as owned by anyone.” The Rehmat Ali Video displays false and fabricated documents, including what

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1 appears to be a police “mug shot” of me, with the caption “Wanted” across the top. I have never
 2 had a police booking photograph or “mug shot” taken, and to my knowledge, this document is
 3 false and fabricated by Defendants. The Rehmat Ali Video remains posted.

4 10. The Rehmat Ali Video falsely accuses me of passport forgery, and also displays a
 5 document that is alleged to be a list of multiple Indian court cases alleged to be currently pending
 6 against me. I have never committed passport forgery, and any documents suggesting otherwise
 7 are false and fabricated. To my knowledge, there are not a large number of Indian court cases
 8 pending against me, and any documents suggesting otherwise are false and fabricated.

9 11. Upon my careful review of all four Offending Videos, it is clear that the
 10 substance and content of the Rehmat Ali Video is substantially the same as the substance and
 11 content of the Truth Walla Video, the Truth Leaks Video, and the Admin Video, and contains
 12 the same nature and type of defamatory allegations against me.

13 12. The Offending Videos have caused substantial and irreparable damage to my
 14 career, business, and emotional well-being. Before the Offending Videos were posted, I enjoyed
 15 an excellent reputation among my friends and colleagues as an ethical, trustworthy and
 16 competent person and professional, and had never experienced any attacks on my character or
 17 ridicule from my peers. I enjoyed a good deal of business among steady clients and new clients.
 18 After the posting of the Offending Videos, I received daily attacks from strangers as well as
 19 people within my community, calling me a thief and a liar, questioning my ethics and integrity,
 20 and warning others not to do business with me or otherwise deal with me. These attacks come in
 21 the form of angry and malicious postings to my social media pages, as well as oral attacks to me
 22 in person. This drastic change in how my peers and colleagues view me has caused me to suffer
 23 severe emotional distress, and I now cry almost daily and suffer from persistent anxiety. The
 24 change has also caused me to lose a substantial amount of business and has prevented me from
 25 winning new clients.

26 13. The hateful and utterly false content contained in the Offending Videos, as well
 as the many insidious ways that Defendants have attempted to spread this material, makes me
 reasonably believe that Defendants are acting with malice and intend to harm my reputation and

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1 ruin my career.

2 14. Without an injunction to prevent Defendants from continuing their misconduct, I
3 will suffer further immediate and irreparable harm to my Vastu Shastra business, as well as to
4 my personal and professional reputation, particularly within the Indian community, which is
5 relatively small and close-knit. It is clear from information posted on DiggVideo and YouTube
6 that the Admin Video and Rehmat Ali have already been viewed, respectively, 428 times and
7 196 times. The number of viewings of these videos have continually increased with each
8 passing day, and are expected to continue to do so, unless and until an injunction issues. With
9 each additional viewing, my reputation is further irreparably and materially damaged.

10 15. Despite my best efforts to exhaust traditional avenues for identifying Defendants
11 pre-service, neither I nor my attorneys have been able to identify the Defendants. Given that
12 Defendants have used pseudonyms to anonymously post the Offending Videos, and appear to be
13 taking illegal measures to further obscure their identity(ies), there are very few reasonable steps
14 available to me to discovery the identity of Defendants, and I have taken all such steps, without
15 success.

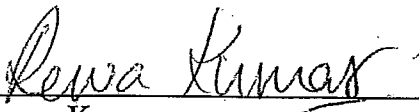
16 16. The pseudonyms "Truth Walla," "Truth Leaks," and "Admin" are clearly not the
17 legal names of any individual, and this has prevented me from conducting an investigation into
18 where the posters of the content could be found. I have searched YouTube, Vimeo and
19 DiggVideo for more information about the users "Truth Walla," "Truth Leaks," and "Admin,"
20 respectively, but I have been unable to find any contact information for them or other means of
21 locating or communicating with these users. Moreover, I am informed and believe that "Rehmat
22 Ali" is a very common name in the Muslim community, and that there are thousands, if not
23 hundreds of thousands, of individuals currently living with that name. Accordingly, it is not
24 possible for me to determine which "Rehmat Ali" is responsible for the posting of the offending
25 content, without the requested early discovery from YouTube.

26 17. Defendants' use of my copyrighted Materials to spread false and hateful
statements about me has had, and will continue to have, a negative effect on the value of and
market for a license in my Materials. As a direct result of Defendants' misconduct, I no longer

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1 wish to use the Materials to advertise my business in the same ways I did before, as the
2 Materials now carry a highly negative association.

3 Date: October 14, 2014

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6 Dr. Rewa Kumar

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